

Bill No. 34-06
Concerning: Work Release/ Pre-
Release Programs--Amendments
Revised: 10/03/2006 Draft No. 6
Introduced: 7/25/2006
Expires: 1/25/2008
Enacted: 10/03/2006
Executive: _____
Effective: _____
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN ACT to:

- (1) formalize the Department of Correction and Rehabilitation's home confinement and electronic monitoring program;
- (2) increase the maximum length of community incarceration; and
- (3) generally amend the law governing work release and pre-release programs.

By amending:

Montgomery County Code
Chapter 13, Detention Centers and Rehabilitation Facilities
Sections 13-11 through 13-23

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Sections 13-11 through 13-23 are amended as follows:

13-11. Established.

[There is hereby established by the county council pursuant to article 27, section 645T] The Department of Correction and Rehabilitation must operate a work release/pre-release program as authorized by Section 11-717 of the Correctional Services Article of the [Annotated] Maryland Code [of Maryland, a work release/pre-release program under which selected individuals]. In this program, an inmate detained or sentenced to the [county department of correction and rehabilitation] Department of Correction and Rehabilitation, Maryland Department of Public Safety and Correctional Services, or Federal Bureau of Prisons may be [granted the privilege] allowed to leave the [pre-release facility during necessary and reasonable hours for the purpose of seeking or working] Pre-Release Center as approved by the Program Administrator to seek or work at gainful employment or [attending] attend a training program[, and]. The inmate may also participate in other rehabilitation activities, including [but not limited to]:

(a) intensive counseling[,];

(b) academic education[,];

(c) home visitation[,];

(d) transitional phased release, [programs, as well as] including non-residential services; and

(e) maximum use of other community resources or other similar rehabilitative activities as approved by the [program administrator] Program Administrator.

Whenever the [prisoner] inmate is not employed or otherwise participating in the [work release/pre-release program, he or she shall] Program, the inmate must be confined in the [pre-release center] Pre-Release Center. However, an inmate who

participates in non-residential transitional phased release must live in a private dwelling approved by the Program Administrator, under the supervision of Division staff, and must be monitored electronically.

13-12. Purpose.

The purpose of the [work release/pre-release program] Program is to [provide opportunity to inmates for] increase community safety and reduce crime by providing inmates with an opportunity to:

- (a) [Continuing] participate in employment, education, or training[.];
- (b) [Continuing contribution] contribute to family support[.];
- (c) [Accumulating] accumulate savings for use upon release, making restitution, or payment of legitimate debts[.];
- (d) [Participating] participate in the [program's] Program's counseling services, social awareness, and educational programs[.];
- (e) [Participating] participate in other community services and activities, such as:
 - (i) a specialized alcohol treatment [services,] service;
 - (ii) a drug rehabilitation [programs,] program;
 - (iii) private psychotherapy[.];
 - (iv) a community adult education [programs,] program;
 - (v) a college [courses] course; and
 - (vi) a supervised community recreational [events.] event;
- (f) [Continuing and acquiring] acquire self-respect that flows from self-support and personal accomplishment[.];
- (g) [Participating] participate in a transitional phased release experience [leading] intended to lead to increased personal responsibility[.];

(h) [Giving the authorities the means of] provide federal and state officials with information to assist in determining the inmate's suitability for parole[.];

(i) [Reducing the risks and fears of the prisoner and society during the difficult period of adjustment immediately after confinement.]

[(j)] [Obtaining] obtain suitable housing [prior to] before release[.]; and

[(k) Providing services to offenders which will decrease the probability of continued crime after discharge to the community.]

[(l)] (j) [Remaining or becoming] become a contributing member of society.

13-13. Definitions.

[For the purpose of] Unless the context indicates otherwise, in this [article] Article, the following words and phrases [shall] have the following meanings [respectively ascribed to them by this section]:

Department: The Department of Correction and Rehabilitation.

Director: The [director] Director of the [department of correction and rehabilitation] Department of Correction and Rehabilitation, or the Director's designee.

Division: The Pre-Release and Reentry Services Division of the Department of Correction and Rehabilitation, which includes the Pre-Release Center facility and Home Confinement services.

Home Confinement services: A non-residential service in the work release/pre-release program designed to provide a transition from custody to release from custody. In this program, an inmate:

(a) lives in a private dwelling approved by the Program Administrator;

(b) is supervised by an electronic monitoring device and Division staff;

(c) is employed or attends school; and

(d) has family or sponsor involvement in home-based counseling.

80 Inmate: A person in the custody of the Department of Correction and
 81 Rehabilitation, Maryland Department of Public Safety and Correctional Services, or
 82 Federal Bureau of Prisons.

83 [Pre-release center] Pre-Release Center: A County-operated facility [operated
 84 through the county government for the purpose of implementing] used to implement
 85 the work release/pre-release program.

86 Program [administrator] Administrator: [The deputy director (pre-release) of
 87 the department of correction and rehabilitation.] The Chief of the Pre-Release and
 88 Reentry Services Division, or the Chief's designee.

89 [Releasee: A prisoner in the custody of the county department of correction
 90 and rehabilitation participating in the work release/pre-release program.]

91 Work release/pre-release program or Program: [The work release/pre-release
 92 program is a program for] A pre-release treatment and reentry program [for selected
 93 prisoners designed] intended to equip [them] selected inmates to function
 94 successfully upon [their return to the community] release from custody. [This
 95 program enables participants to leave confinement daily for employment, training
 96 and rehabilitation activities including but not limited to intensive counseling,
 97 academic education, home visitation, transitional phased release programs and use of
 98 other community resources and rehabilitative activities as approved by the program
 99 administrator.] The Program offers residential and non-residential reentry services.

100 **13-14. Eligibility.**

101 [Eligibility for participation in the work release/pre-release program will be
 102 based upon the standards listed below as evaluated by the program administrator]
 103 The Program Administrator must evaluate an inmate's eligibility to participate in the
 104 Program based on the following standards.

- 105 (a) The [applicant] inmate must voluntarily [submit a written application on
106 forms provided by the department of correction and rehabilitation]
107 apply to the Program.
- 108 (b) The [applicant] inmate must be within [six (6)] 12 months [or less] from
109 release or a parole hearing.
- 110 [(c) The applicant must be physically capable of performing the proposed
111 assignments. Candidates will receive a physical examination by the
112 department's physician who will make a recommendation for
113 limitations of employment or involvement in the program when medical
114 problems exist. In the case of state or federal institution inmates,
115 medical records from those facilities may be used for the purpose of
116 screening; however, the department physical exam will be accomplished
117 when the individual enters the work release/pre-release program.]
- 118 [(d) The applicant must be psychologically capable of performing in the
119 work release/pre-release program. Applicants will receive
120 psychological screening by the department psychologist who will make
121 recommendations for limitations of employment or involvement in the
122 program when psychological problems exist. Psychological evaluations
123 from state and federal psychologists or psychiatrists may be substituted
124 when the applicant is from a state or federal institution. In case when
125 the committing court recommends transfer to the Pre-Release Center
126 and the Pre-Release Center staff screener finds no obvious
127 psychological complications, the department psychological screening
128 may be temporarily waived by the program administrator; however, this
129 psychological screening must be accomplished within five (5) working
130 days after the individual's arrival at the Pre-Release Center]

[(e) An applicant who is found to be or becomes an elopement or escape risk will be excluded from the program.]

(c) The inmate must be physically and mentally capable of performing the proposed assignments.

(d) An inmate who is an escape risk, as determined by the Program Administrator, is not eligible to participate in the Program.

[(f)] (e) An [applicant] inmate who has a pending [[serious]] [court charges] criminal charge [(without personal bond)] or a detainer for a [[serious]] [charges] criminal charge from another jurisdiction [will be excluded from the program] is not eligible to participate in the Program. [This detainer standard may be waived if the judge or state's attorney of the jurisdiction which issued the detainer indicates in writing no objections to the defendant participating in the county work release/pre-release program.] However, the Program Administrator may allow an inmate with a pending criminal charge or a detainer for a criminal charge to participate in the Program if the Program Administrator finds that the resolution of the pending charge is not likely to interfere with the inmate's continued participation in the Program.

[(g) An applicant who has, within the past two (2) years, had another work release/pre-release program revoked will be excluded from the program; however]

(f) An inmate who has been removed from the Program within the previous 24 months is not eligible to participate in the Program. However, the [program administrator] Program Administrator may waive this standard for eligibility [in those cases when] if:

(i) the purpose and effective operation of the [program] Program will not be jeopardized; and

(ii) [where] the best interest of the [applicant] inmate, the inmate's family [(if any)], and the [community] public will be served.

[(h)] (g) [When the indicated] If an inmate's proposed employment involves handling [alcoholic beverages, drugs, narcotics, firearms, ammunition of explosives which, in the opinion of the program administrator, would] any alcoholic beverage, drug, narcotic, firearm, ammunition, or explosive, the Program Administrator may exclude the inmate from participating in the Program if the Program Administrator decides that the employment is likely to jeopardize the [applicant's] inmate's safety or the safety of others[, the applicant may be excluded from the program].

(h) Division staff must evaluate and screen an inmate based on the criteria identified in Section 13-15. Information obtained during the screening process is confidential.

13-15. Selection and assignment procedure.

(a) [Upon receipt of the] After receiving an application, the [program administrator or designee shall] Program Administrator must investigate and evaluate the [applicant] inmate and, based on a structured selection process, determine whether the [applicant] inmate meets the standards of eligibility [as defined] in [section] Section 13-14.

(b) [An applicant demonstrating a family or financial need or other circumstances warranting participation in the program may be given priority in selection and assignment] The Program Administrator may give priority in selection and assignment to an inmate who demonstrates

184 a family or financial need or other circumstances warranting
 185 participation in the Program.

186 (c) [An applicant who is a resident of the county may be given priority
 187 over nonresidents] The Program Administrator may give priority to
 188 an inmate who is a County resident over a nonresident.

189 (d) The [program administrator will] Program Administrator must
 190 develop a standardized method of screening individuals for the [work
 191 release/pre-release program] Program. [A suitability selection
 192 procedure shall include such items as] The Program Administrator
 193 may consider the following factors:

194 (i) the intent of the committing court[,];

195 (ii) time in confinement[,];

196 (iii) [instant] the offense for which the inmate was convicted[,];

197 (iv) the inmate's past criminal and institutional history[,];

198 (v) availability of work and transportation[,];

199 (vi) [needs of others in the] community needs (such as those of a
 200 family member[, employers, etc.,] or employer);

201 (vii) the inmate's history of alcohol or drug abuse[,];

202 (viii) the inmate's current institutional performance and adjustment
 203 (if applicable)[,];

204 (ix) the inmate's need for treatment [factors,];

205 (x) an evaluation of the [individual's] inmate's maturity, attitude,
 206 trust, and [the] motivation to become involved in [the program]
 207 Program opportunities[, as well as]; and

208 (xi) [other items deemed appropriate by the program administrator]
 209 any other item the Program Administrator finds appropriate.

- (e) Based on this standardized selection process and standards of eligibility, the [program administrator will] Program Administrator must [make recommendations] recommend to the appropriate court or correctional authority [for] placement of [prisoners into the work release/pre-release program] an inmate in the Program. The Program Administrator has full discretion to recommend or decline to recommend an inmate. No inmate has a right to participate in the Program or in any specific component of the Program.
- (f) [Upon receipt of] After receiving a report from the [program administrator] Program Administrator, the court or [the] correctional authority having jurisdiction may approve or disapprove the [program administrator's recommendations] Program Administrator's recommendation. [The decision of the court shall be stated must be in writing and returned to the program administrator within fifteen (15) working days, and the applicant shall be notified of the court's decision] After receiving the court's decision, Division staff must notify the inmate of the decision.
- (g) An [applicant will] inmate must not be placed in the [program] Program unless the [program administrator] Program Administrator [has determined] finds that:
- (1) [The applicant] the inmate meets the eligibility standards of the [program] Program and is suitable for the [program.] Program;
and
 - (2) [There is] adequate staff and facilities are available to manage the [program] Program and supervise the [applicant] inmate.
- (h) [Disapproval of an application shall not prevent a prisoner from submitting a new application, but such application may not be filed

before sixty (60) days have elapsed since disapproval of the previous application.] If an inmate's application is disapproved, the inmate is not eligible to submit another application to the Program for 60 days after the disapproval.

13-16. [Rules and regulations] Program rules.

[Participation in the work release/pre-release program is conditioned on compliance with the following rules and regulations. The releasee shall agree in writing to] Each participant must comply with, and agree in writing to, the following rules. Each participant must:

- (a) [Comply] comply with all terms, conditions, and guidelines [as stipulated] listed in the [center "guidebook" of the work release/pre-release program.] Program Guidebook; and
- (b) [Work industriously at his or her employment, training or educational program. The releasee shall go to and from its location by a direct route in the least amount of time. After each day's approved activities, the releasee will return to the pre-release center. If any situation occurs that prevents the releasee from returning to the pre-release center at the prescribed time, he or she will immediately call the center for instructions. The releasee will not be absent from the approved day's activities without the approval of a center staff member.
- (c) Obtain the approval of the center staff prior to attempting to change employment.
- (d) Provide the necessary materials, clothing, and equipment, other than those supplied by the employer, essential to his or her employment.
- (e) Provide his or her own transportation to or from work in a manner approved by the program administrator. Prior to operating a motor vehicle, the releasee must have a valid driver's license, automobile

- 264 registration, proper insurance coverage as required by state law, and
 265 obtain approval of the program administrator.
- 266 (f) Deposit with the program administrator all of his or her earnings less
 267 payroll deductions required by law.
- 268 (g) Be prohibited from entering into any contract or engage in business,
 269 borrow money, purchase property, incur debts, or open banking or
 270 charge accounts unless he or she has obtained the prior approval of the
 271 program administrator.
- 272 (h) Leave the pre-release center premises only with prior authorization from
 273 center staff and to comply with instructions of center staff.
- 274 (i) Conduct himself or herself with propriety during release from
 275 confinement, obeying all laws and regulations.
- 276 (j) Respond helpfully and courteously when questioned by law
 277 enforcement officers or other public authorities; provided, that nothing
 278 herein shall deprive any person of his constitutional rights. All such
 279 instances of questioning shall be promptly reported by the releasee to
 280 the program administrator.
- 281 (k) Not use, possess or introduce into the pre-release center weapons,
 282 alcoholic beverages, narcotics or drugs except pursuant to doctor's
 283 orders.
- 284 (l) Resolve the problems a releasee confronts in nonviolent, respectful
 285 ways and will not verbally or physically abuse another person.
- 286 (m) Submit to urinalysis and alcohol tests when requested by center staff.
- 287 (n) Participate in the center's social awareness program, in counseling
 288 activities, in prescribed treatment services and in other activities he or
 289 she agrees to in writing.

(o) Spend approved home visits at pre-arranged activities with family or friends as approved by the program administrator and conduct himself or herself properly, obeying all laws as well as rules of the program during release to the community.]

[(p) His or her understanding that his or her] acknowledge that the inmate's failure to comply with the terms of [this authorization for release under this law shall subject him or her] the Program may subject the inmate to [the] criminal penalties provided by state or federal law.

13-17. [Probationary period] Administrative review and removal actions.

(a) Participation in the [work release/pre-release program] Program is a privilege. [The first 40 days of a releasee's participation in the program is a probationary period. During the probationary period, the program administrator] The Program Administrator may[, at the administrator's discretion,] reclassify the [releasee] inmate from the [program] Program and transfer the [releasee] inmate to secure confinement if the [releasee] inmate:

- (1) does not satisfactorily complete a [behavior] behavioral contract;
- (2) does not take advantage of treatment opportunities available to [program participants] a Program participant;
- (3) does not [become involved] participate in [specific program activities required of the participant] required Program activities;
- or
- (4) is otherwise unable to adjust to the [pre-release center] work release/pre-release environment.

[(b) The program administrator may, at the administrator's discretion, reclassify a releasee from the program and transfer the releasee to secure confinement if the releasee:]

317 [(1)] (5) is charged with another crime;

318 [(2)] (6) receives a detainer [for a serious crime] from another
319 jurisdiction;

320 [(3)] (7) asks to be transferred from the [program] Program; or

321 [(4)] (8) is physically or mentally unable to work or participate in
322 [program] Program activities for an extended period of time]; or

323 (5) is psychologically unable to perform effectively in the program].

324 [If a releasee is transferred from the program under paragraph 4 or 5,
325 with 14 days after the transfer a physician must confirm the medical
326 condition, or a psychologist or psychiatrist must confirm the
327 psychological condition, which led to the releasee's transfer.]

328 [(c) The program administrator may, at the administrator's discretion,
329 reclassify a releasee from the program and transfer the releasee to secure
330 confinement if the releasee:]

331 [(1)] (9) receives a pattern of poor behavioral ratings by [the unit
332 treatment team] Program staff; or

333 [(2)] (10) demonstrates a lack of motivation or commitment to the
334 [program] Program by failing to adequately perform the
335 [releasee's program] inmate's Program contract.

336 [(d)] (b) If [a releasee] an inmate is transferred from the [program] Program
337 under this section, the [program administrator] Program Administrator
338 must notify the court in writing of the circumstances of the removal.

339 [(e) If a releasee is transferred from the program under subsections (b) or
340 (c), the releasee may reapply to the program after 60 days under
341 sections 13-14 and 13-15.]

(c) If an inmate is transferred from the Program under subsection (a), the inmate is not eligible to reapply to the Program for 60 days after the inmate's transfer, as provided in Sections 13-14 and 13-15.

13-18. Disciplinary and revocation measures.

(a) [The center] Division staff may use counseling when appropriate for improper conduct.

(b) The [program administrator] Program Administrator may:

(1) restrict or remove privileges [of the pre-release center][[, including adjusting good conduct time.]] in the Pre-Release Center for not more than [thirty (30)] 30 days for any breach of discipline[, infraction of the center] or violation of Division rules [and regulations, violation of trust or any other breach of conduct of the program.]; or

[(c) The program administrator may] (2) suspend the [releasee] inmate from the [pre-release center] Pre-Release Center for not more than [fourteen (14)] 14 successive days for any breach of discipline[, infraction of the] or violation of Division rules [and regulations, violation of trust, or any breach of the standards of conduct of the program.]

(3) if an inmate is participating in Home Confinement services, place the inmate at the Pre-Release Center, restrict or remove privileges[[, including adjusting good conduct time.]] or return the inmate to the appropriate security facility.

[(d)] (c) [The program administrator may, for a serious violation of a rule or regulation (as provided in section 13-16) or for unsatisfactory performance on the program, immediately remove a releasee from the pre-release center return the individual to the appropriate security

369 facility and revoke the releasee from the work release/pre-release
370 program.] If an inmate commits a serious violation of a rule or
371 regulation identified in the Program Guidebook or Section 13-16, or
372 performs unsatisfactorily in the Program, the Program Administrator
373 may immediately remove the inmate from the Pre-Release Center or
374 return the inmate to the appropriate security facility. The [program
375 administrator shall] Program Administrator must forward a full report to
376 the court stating the circumstances and reasons for revocation. The
377 judge of the committing court may, on the basis of the revocation
378 action, redesignate the [Maryland Division of Correction] State
379 Department of Public Safety and Correctional Services as the agency of
380 custody for the remaining term of the inmate's confinement [as
381 provided in article 27, section 645T(a),] under Section 11-717 of the
382 Correctional Services Article of the [Annotated] Maryland Code [of
383 Maryland, as amended].

384 [(e) Shall any intake information or statement by the releasee, upon which
385 the releasee's original application, screening, and selection for the
386 program was based, subsequently be proved to be false, the releasee's
387 participation in the program may be revoked by the program
388 administrator. In case of revocation, the releasee is removed from the
389 program and may reapply after sixty (60) days in accordance with
390 sections 13-14 and 13-15 unless the place of custody has been
391 redesignated to the Maryland Division of Correction.]

392 (d) The Program Administrator may revoke an inmate's participation in the
393 Program if the inmate makes a false statement on the application or
394 during the screening process. If the Program Administrator revokes an
395 inmate's participation in the Program, the inmate must be removed from

the Program and is not eligible to reapply to the Program for 60 days, as provided in Sections 13-14 and 13-15. An inmate in the custody of the State Department of Public Safety and Correctional Services or Federal Bureau of Prisons is subject to any time limit in the applicable state or federal law.

13-19. Disposition of [release] inmate funds and earnings.

- (a) The [director or designee is authorized to] Director may establish and maintain inmate personnel and financial records and [to] require written reports from the [releasee] inmate as necessary to administer the [program] Program.
- (b) The [director or designee] Director is authorized to receive, deposit, and disburse the funds and earnings of each [releasee] inmate in accordance with regulations established by the [director] Director.
- (c) The [director or designee] Director may deduct the following from [the] an inmate's earnings [of the releasee]:
 - (1) [A charge determined by the director as a contribution to] all or part of the cost to the [county of providing] County to provide an inmate with food, [and] lodging, and clothing[.];
 - (2) [Actual] actual and necessary food, travel, and other expenses incidental to [his or her] the inmate's participation in the [program.] Program;
 - (3) [Any amount which the releasee may be legally obligated to or desirous of paying for the support of his dependents.] any amount the inmate is legally obligated or desires to pay to support a dependent;
 - (4) a reasonable amount to repay the State or County for an attorney appointed by the court, if applicable; and

(5) a court-ordered payment for restitution.

(d) [The director or designee shall credit the remaining balance to the work releasee's account, to be disposed of as requested by the releasee and approved by the director or his designee.] The Director must apply any remaining balance, less deductions identified in subsection (c), to the [[work]] inmate's account and must dispose of the funds as the inmate requests and the Director approves.

(e) [Accountability for releasee] Inmate funds [shall be in the manner] must be accounted for as prescribed [or approved] by the [director of the department of finance] Director of the Department of Finance. [A yearly audit of work releasee funds shall be made by the finance department and a written report shall be made to the director of the department of correction and rehabilitation.] The Department of Finance must conduct a yearly audit of [[work]] inmate funds and submit a written report to the Director of the Department of Correction and Rehabilitation.

(f) The Director must set, by method (3) regulation, a reasonable fee for the cost of electronic and staff supervision. The Director may collect the fee from participants in the non-residential component of the Program. If the Director finds that a participant cannot afford to pay the fee, the Director may wholly or partially exempt the inmate from paying the fee.

13-20. Graduated release.

The [director is authorized and directed to] Director must cooperate with [the] federal, state, or other [county] County correctional officials to develop a system of graduated release for [county] County residents who are within [six (6)] 12 months of release or a parole hearing date and who are returning to the [county] County after [having served] serving a period of their confinement in a correctional institution.

After approval by an appropriate court or other agency having jurisdiction, the [director or his or her designee] Director may place [such prisoners on] a qualified inmate in the [work release/pre-release program] Program; however, [prisoners] any inmate transferred from [other correctional agencies to the county department of correction and rehabilitation] another correctional agency to the Department must meet the eligibility standards specified in [section] Section 13-14 and [will] be subject to all rules, regulations, and guidelines of the [county work release/pre-release program as specified herein] Program. [Pursuant to article 27, section 645T] Under Section 11-717 of the Correctional Services Article of the [Annotated] Maryland Code [of Maryland, as amended,] the [director of the county department of correction and rehabilitation is authorized to] Director may negotiate [with the state division of corrections] a contract each year with the State Department of Public Safety and Correctional Services [providing] for state reimbursement on a per diem basis [for operational costs] to the [county] County for providing community correctional services to [those] state inmates [described above].

13-21. Court directed early release.

[Pursuant to article 27, section 645T] Under Section 11-717 of the Correctional Services Article of the [Annotated] Maryland Code [of Maryland, as amended,] after the [prisoner] inmate enters the [correctional program] Program, the judge ordering the confinement or, if [he or she] the judge is unable to act, [then] any other judge of the committing court, may order the release of the [prisoner] inmate from custody based [upon] on the [program administrator's] Program Administrator's recommendation and report of the [individual's] inmate's performance in [his correctional program] the Program.

13-22. Conditional parole and probation cases.

- (a) In lieu of ~~[[pursing]]~~ pursuing a parole violation, [the] state or federal parole authorities may [desire to make, as a condition of continued

parole, the stipulation that the] require a parolee to participate in the
 [county's work release program] Program for [the purpose of]
 residential treatment as a condition of continued parole. The [program
 administrator is authorized to] Program Administrator may screen and
 accept [parolees from parole authorities for the purpose of providing
 residential treatment services to their parolees who meet the] a parolee
who meets Program criteria [for the county work release/pre-release
 program].

(b) In specific cases, the federal court may [desire to make, as a condition
 of probation, the stipulation that the] require a probationer to participate
 in the [county's work release program] Program for [the purpose of]
 residential treatment as a condition of probation. The [program
 administrator is authorized to] Program Administrator may screen and
 accept [probationers from appropriate federal authorities for providing
 residential treatment services to their probationers] a probationer who
meets Program criteria.

(c) The [program administrator will insure] Program Administrator must
take appropriate steps to determine that the parolee and/or probationer is
a resident of the Washington Metropolitan Area and meets the eligibility
 criteria [as defined in section] in Section 13-14 [of this chapter and
 insure that the parolee and/or probationer is a resident of the county].
 The [length of the] parolee's or probationer's participation in the
 [program will] Program must not exceed [six (6)] 12 months. The
 parolee or probationer [will] must be subject to the rules[, regulations]
 and guidelines of the [pre-release center] Pre-Release Center. If the
 [program administrator determines] Program Administrator finds that
 the parolee or probationer should be withdrawn from the [pre-release

center] Pre-Release Center because of [his or her] improper conduct or other appropriate reasons, the [program administrator will] Program Administrator must release the parolee or probationer to the parole or probation agent and provide the agent a report of the individual's performance and conduct while at the [center] Pre-Release Center.

- (d) The [county is authorized to] County may negotiate a contract each year with federal and state adult parole and probation authorities [providing] for reimbursement on a per diem basis [for operational costs] to the [county] County for providing community correctional services to [those parolees and probationers described above] a parolee or probationer.

13-23. Confidentiality

[The program administrator or staff designee may release personal information on a releasee as may be required on a "need to know basis" to essential community resources and volunteer staff for the purposes of obtaining employment, training, education and treatment services for the releasee, and to individuals agreeing to sponsor the releasee in the individual's home for authorized furloughs. Releasee will agree in writing to waive the right of confidentiality for the purposes indicated.]

[[An]] The Program administrator may require an inmate who participates in the Program [[must]] to agree in writing to waive any right of confidentiality[[, as determined by the Program Administrator,]] and authorize the Program Administrator to release relevant personal information, except for psychological information:

- (a) to essential community resources and volunteer staff to obtain employment, training, education, and treatment for the inmate; or
- (b) to an individual who agrees to sponsor the inmate in the individual's home for home confinement, an authorized visit, or a furlough.

531 *Approved:*

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George L. Leventhal, President, County Council	Date
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534 *Approved:*

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Douglas M. Duncan, County Executive	Date
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537 *This is a correct copy of Council action.*

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Linda M. Lauer, Clerk of the Council	Date
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